

## **REMARKS**

In response to the above-identified Office Action, Applicants amend the application and seek reconsideration thereof. In this response, Applicants amend claim 23. Applicants do not cancel or add any claims. Accordingly, claims 23-28 are pending.

### **I. Drawings**

The Patent Office indicates that Figure 1 should be designated by a legend such as --Prior Art--. As stated above, Applicants submit herewith a proposed amendment to Figure 1 to comply with the Patent Office's request. Applicants respectfully request approval of the amendment.

### **II. Specification**

The Patent Office objects to the disclosure for failing to include the parent priority data. As indicated herein, Applicants amend the specification to correct the priority data. Accordingly, Applicants respectfully request approval of the specification as amended.

### **III. Claims Rejected Under 35 U.S.C. §102(e)**

The Patent Office rejects claims 23-28 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,506,430 to Ohzu (“Ohzu”). Applicants amend independent claim 23 to overcome the rejection.

In order to anticipate a claim, the relied upon reference must disclose every limitation of the claim. Among other limitations, amended independent claim 23 recites a method of exposing a plurality of photodiodes of an image sensor to a light source, and modifying a light receiving area of a first photodiode and a second photodiode by the use of one or more light shields, such that, for a given size of light receiving area, a first photodiode is exposed to a greater amount of incident light than a second photodiode.

Ohzu shows a number of photodiodes formed of varying tail portions. The length of a tail apparently establishes the amount of light to which a photodiode is exposed. Ohzu does not disclose modifying a light receiving area by the use of one or more light shields.

For the above stated reason, claim 23 is not anticipated by Ohzu. Claims 24-25 depend from claim 23 and therefore contain all the limitations of that claim. For at least the reasons stated with respect to claim 23, claims 24-25 are not anticipated by Ohzu.

Applicants respectfully request that the Patent Office withdraw the rejection of claims 23-28 under 35 U.S.C. § 102(e) over Ohzu.

Claim 26 describes a method comprising, among other actions, modifying a light receiving area of alternate pixels by the use of one or more light shields. As noted with respect to claim 23, Ohzu does not modify light receiving areas through the use of one or more light shields. Accordingly, claim 26 is not anticipated by Ohzu.

Claims 27 and 28 depend from claim 26 and therefore contain all the limitations of that claim. For at least the reason stated with respect to claim 26, claims 27-29 are not anticipated by Ohzu.

## CONCLUSION

In view of the foregoing, it is believed that all claims now pending (1) are in proper form, (2) are neither obvious nor anticipated by the relied upon art of record, and (3) are in condition for allowance. A Notice of Allowance is earnestly solicited at the earliest possible date. If the Patent Office believes that a telephone conference would be useful in moving the application forward to allowance, the Patent Office is encouraged to contact the undersigned at (310) 207-3800.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly, extension of time fees.

Respectfully submitted,

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### CERTIFICATE OF MAILING:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on May 5, 2004.

  
Lillian E. Rodriguez

5.4.04  
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